

REMARKS

Response to Objections to Drawings

The drawings were objected to by the Examiner because the lower portions of Figures 1, 5, 6, 9, 10, 15 and 16 have been truncated. Formal replacement drawings from the parent application have been filed concurrently with the Submission of Replacement Drawings filed herewith to replace Figures 1, 5, 6, 9, 10, 15 and 16. No new matter is introduced by the submission of replacement drawings.

Response to Claim Objections

Claim 28 is objected to by the Examiner due to the following informality in line 15, --a—should be inserted before “diameter”.

Response to Claim Rejections Under 35 U.S.C. §112

Claims 61 and 62 are rejected by the Examiner under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants have deleted reference to the term “slidably” in claim 61 and replaced the expression “slidable within the inner lumen of the elongated shaft” to -- disposed in part within the elongated shaft-- to overcome this rejection.

Claims 28-30, 32-38, 40 and 41 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Amendments to the claims should resolve these issues

Response to Claim Rejections Under 35 U.S.C. §102

Claim 48 is rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Bryan et al. (U.S. Pat. No. 6,050,955). Applicants have clarified claim 48

by requiring that the second tissue cutting member has a cutting surface with at least one transverse dimension which is larger than at least one transverse dimension of the first tissue cutting element. The cutting surfaces of the device described in the Bryan et al. reference are smaller in transverse dimensions than the first cutting member.

Therefore, this reference cannot anticipate claim 48.

Response to Allowable Subject Matter

The applicants note with appreciation the Examiner's allowance of Claims 42-47 and 58-60 and the indication that claims 28-30, 32-38, 40, 41, 49-54, 56, 57, 61 and 62 are directed to patentable subject matter.

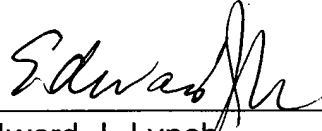
Claims 49-54, 56 and 57 were objected to by the Examiner as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 48 from which the above claims depend is now believed to be in allowable condition. Therefore, the claims which depend from claim 48 should also be allowable.

Claims 28-30, 32-38, 40, 41, 61 and 62 were indicated as being allowable by the Examiner if rewritten to overcome the Examiner's rejection(s) under 35 U.S.C. §112, first and second paragraph. The above amendments to claims 28, 61 and 62 should overcome the rejections thereof by the Examiner under 35 U.S.C. §112.

Conclusion

Applicants believe that the pending claims are directed to patentable subject matter. Favorable reconsideration and an early allowance are earnestly solicited.

Respectfully submitted,

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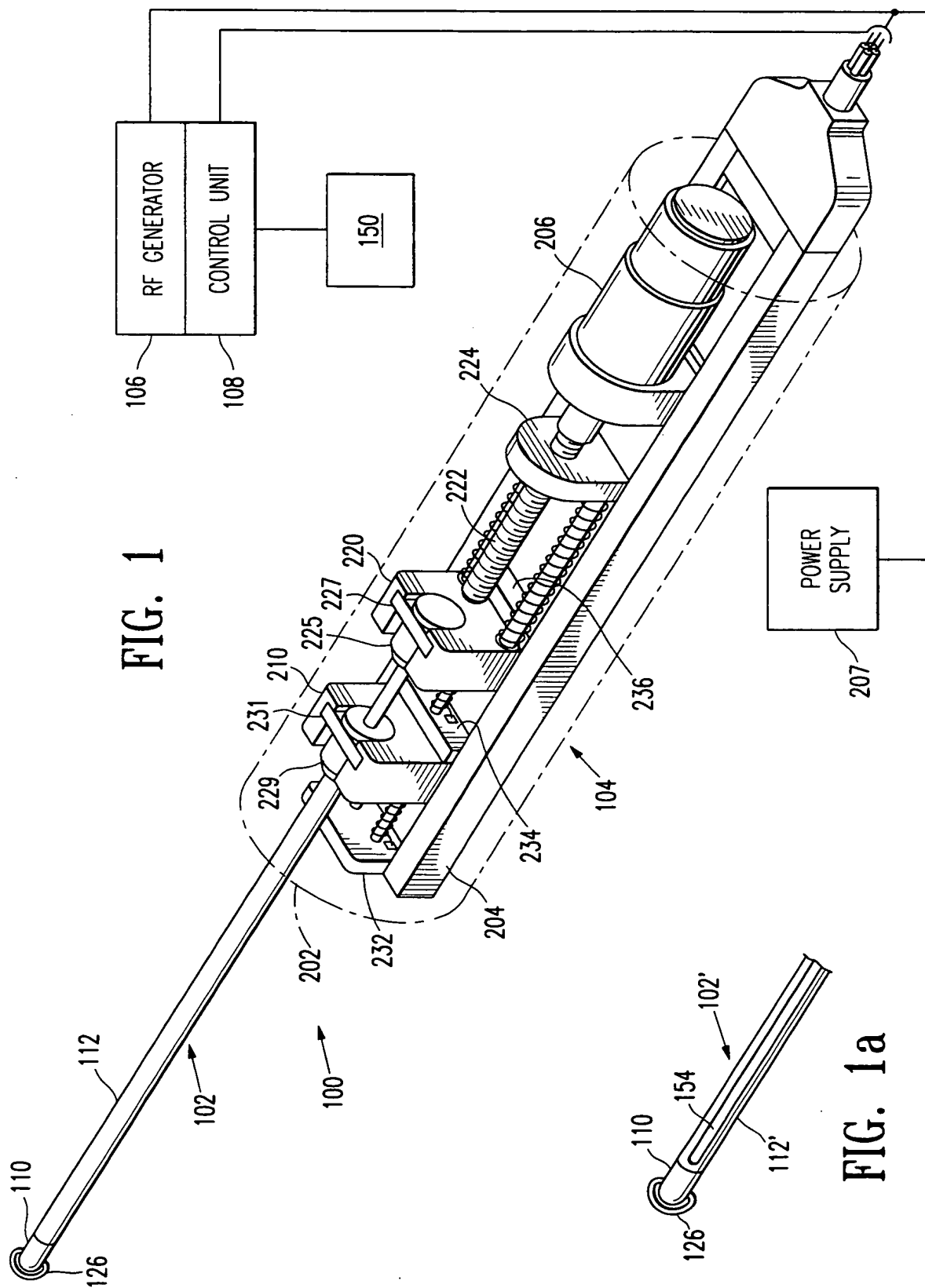


FIG. 1a

ELECTROSURGICAL BIOPSY DEVICE
AND METHOD

Inventors: Burbank et al.

Serial No. 09/819,195

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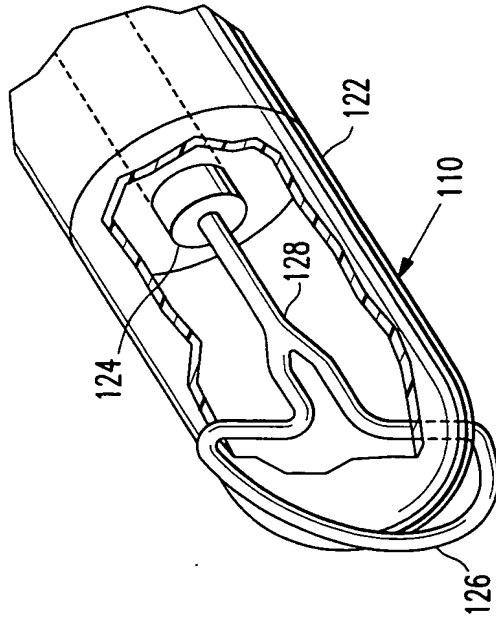


FIG. 3

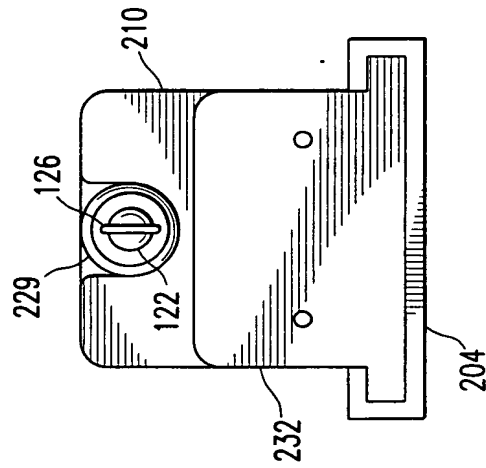


FIG. 2

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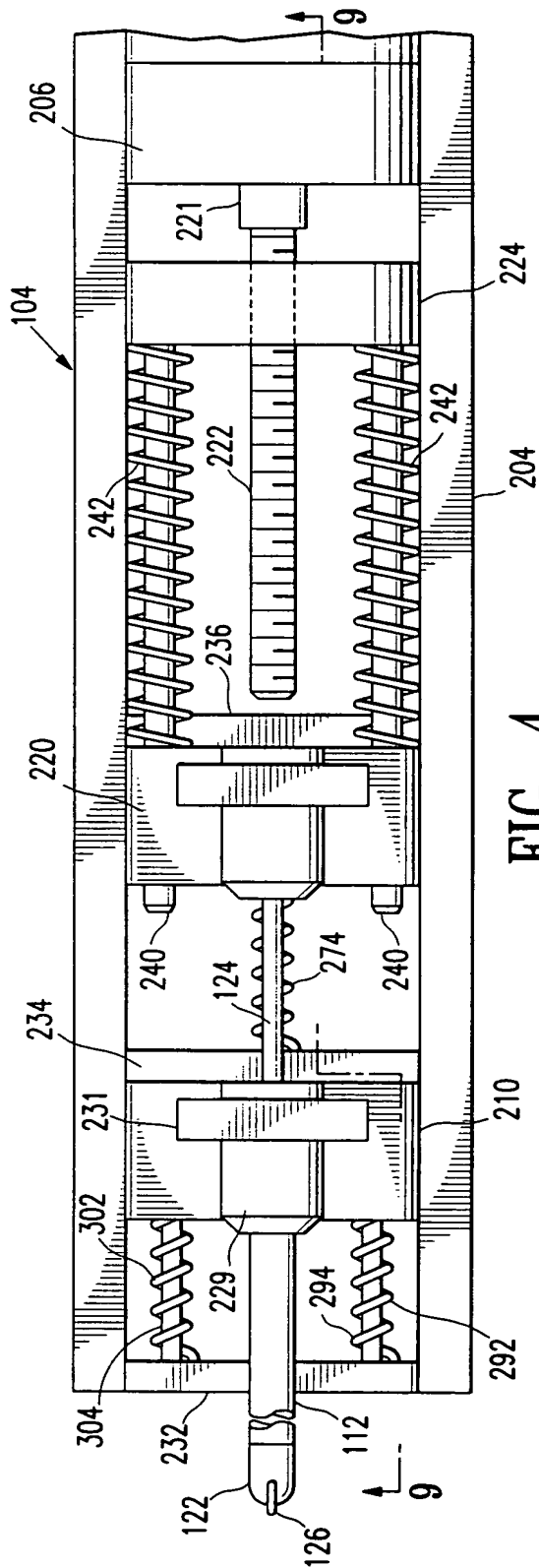


FIG. 4

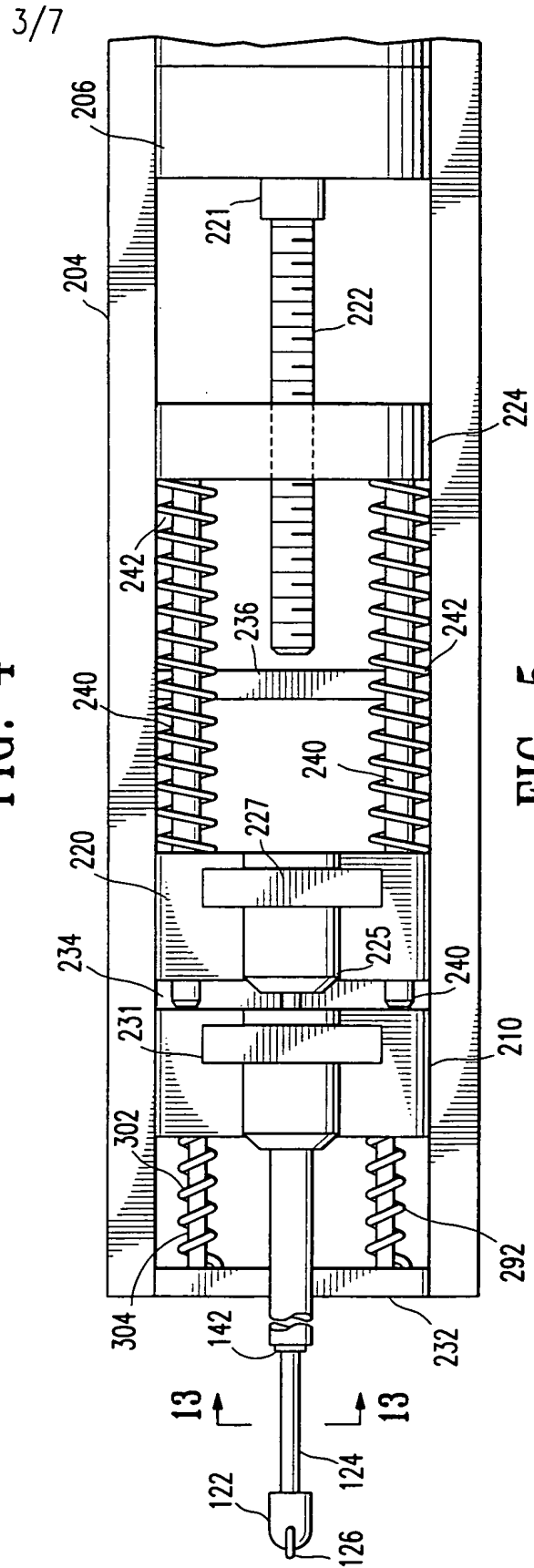


FIG. 5

ELECTROSURGICAL BIOPSY DEVICE AND METHOD

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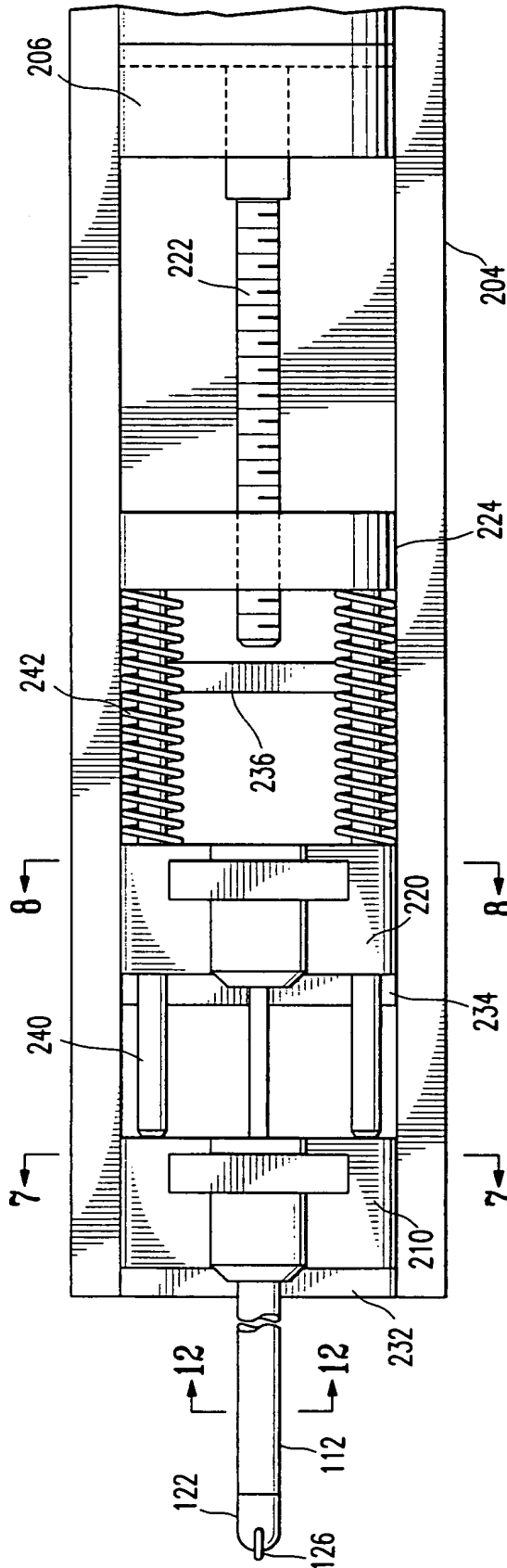


FIG. 6

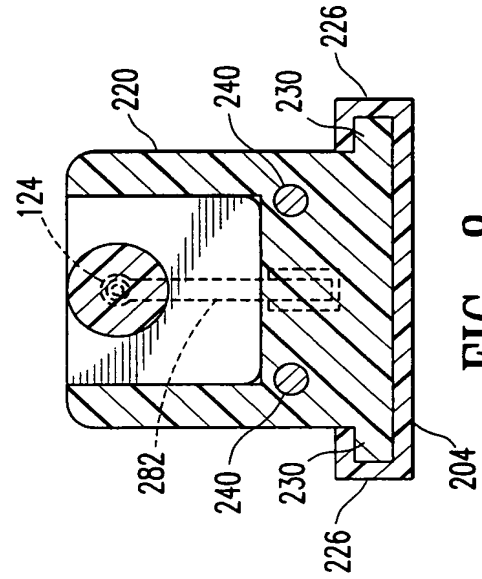


FIG. 8

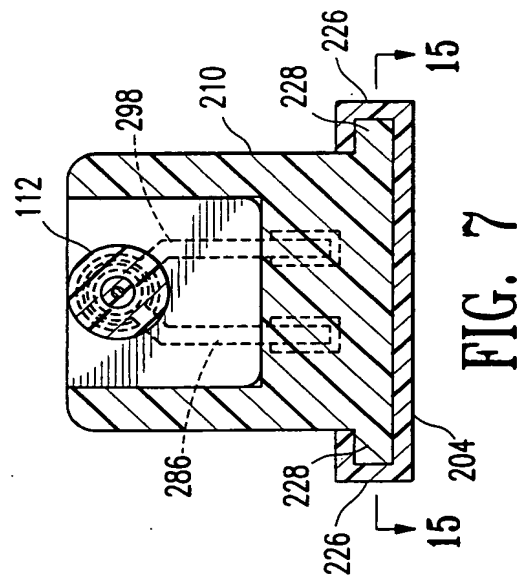


FIG. 7

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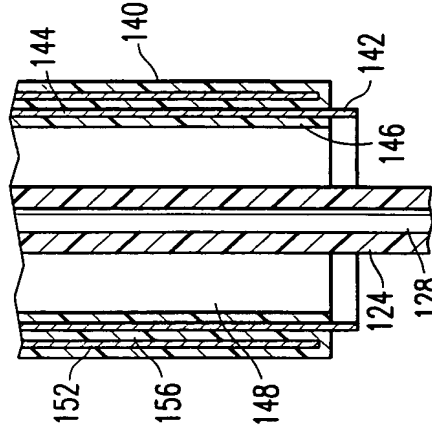


FIG. 14

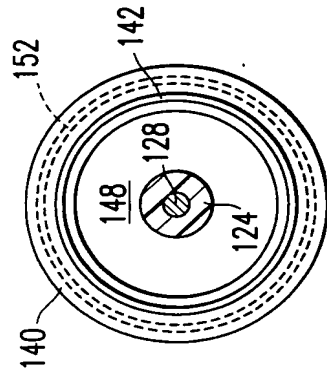


FIG. 13

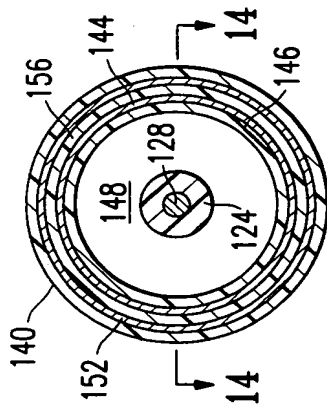


FIG. 12

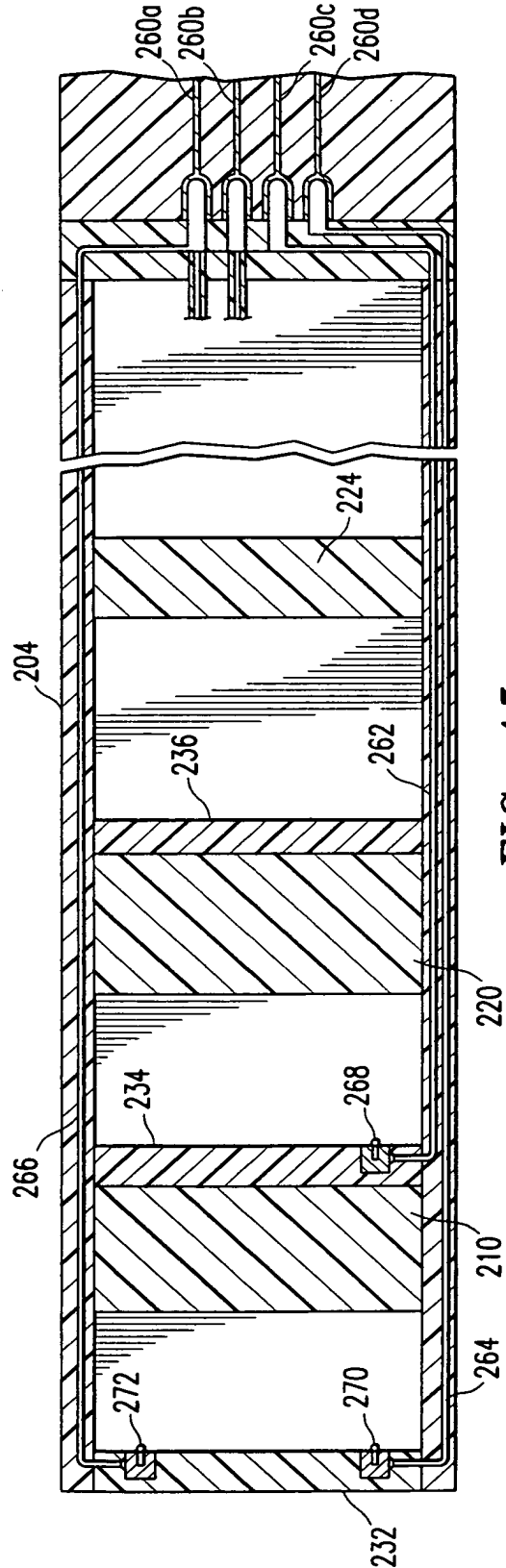


FIG. 15

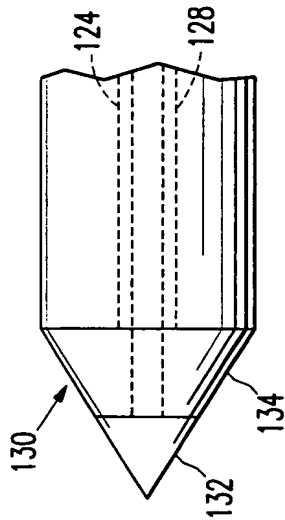


FIG. 16

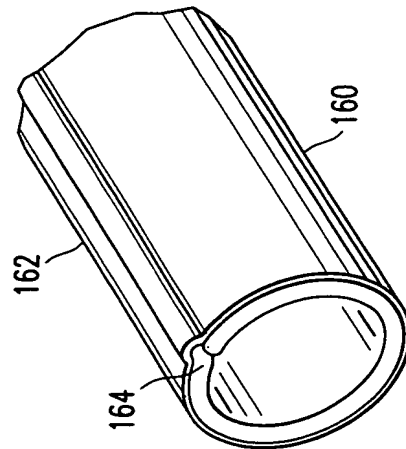


FIG. 17

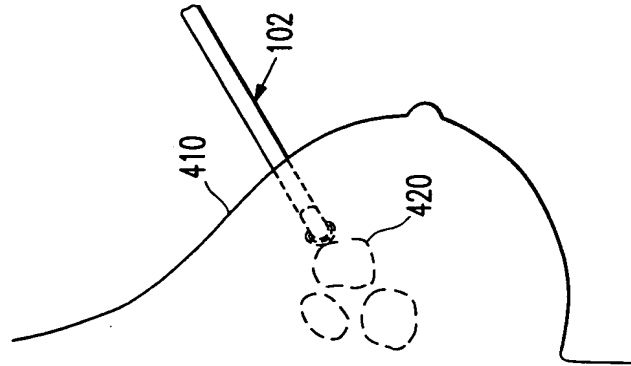


FIG. 18

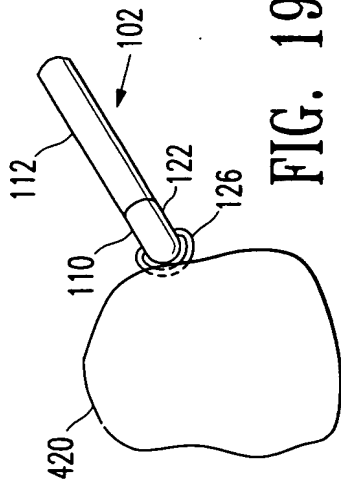


FIG. 19

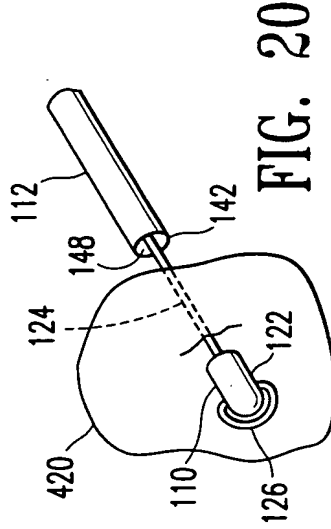


FIG. 20

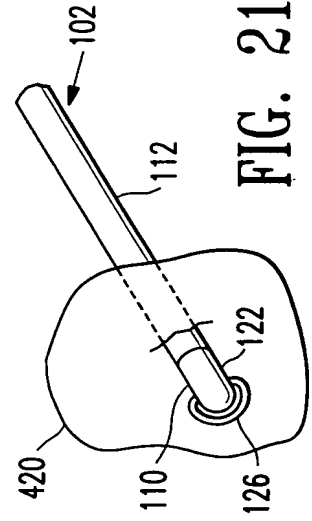


FIG. 21

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